

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jeremiah Ybarra,

Case No. 21-cv-1846 (WMW/HB)

Petitioner,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Warden Kallis,

Respondent.

Before the Court is the August 30, 2021 Report and Recommendation (R&R) of United States Magistrate Judge Hildy Bowbeer. (Dkt. 4.) No objections to the R&R were filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error. Based on the R&R, the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The August 30, 2021 R&R, (Dkt. 4), is **ADOPTED**.
2. Petitioner Jeremiah Ybarra's application to proceed in forma pauperis, (Dkt. 3), is **DENIED** as moot.
3. Petitioner Jeremiah Ybarra's petition for a writ of habeas corpus, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 27, 2021

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge